IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5380 OF 2003

Mr.Anilkumar Patil for the Petitioner.

Mr.S.B. Shetiye for Respondent No.7.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 8TH JUNE,2005

P.C.:

1. By this petition the Petitioner challenges the order passed by the Appellate Court vacating the order of temporary injunction granted by the trial court. The Appellate court has as a fact found that there is a partition deed in existence. That deed is signed by the Plaintiff and that the Defendant No.7 was placed in possession of separate portion. Admittedly, though the signature of the Petitioner appears on the partition deed, there is no

explanation to be found on record as to how the signature of the Plaintiff/ Petitioner appears on the partition deed, existence of which is denied by him. In the face of clear finding recorded by the Appellate Court that the Defendant No.7 is in possession of separate portion, in my opinion, in the jurisdiction of this Court under Article 227 of the Constitution of India, the impugned order cannot be interfered with. Petition is rejected.

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